

Hearing Date: Wednesday, October 21, 2015; 9:30am

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Case No: 8-12-73526-reg

**LLOYD LODZA
A/K/A LLOYD T. DHOKWANI**

Chapter 13

Debtor.

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NOTICE OF MOTION TO APPROVE SETTLEMENT OF SECOND MORTGAGE

PLEASE TAKE NOTICE, that on October 21, 2015 at 9:30 a.m. or as soon thereafter as counsel can be heard, Debtor LLOYD LODZA A/K/A LLOYD T. DHOKWANI, by and through his attorneys, the Law Offices of Craig D. Robins, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge, United States Bankruptcy Court, 290 Federal Plaza, Courtroom 860, Central Islip, New York, or as soon thereafter as counsel may be heard, for an Order approving the settlement, discounted pay-off and satisfaction of a second mortgage on the Debtors' real property, and for the payment of legal fees for bringing this application. A Copy of the proposed order is annexed hereto.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Clerk of the Court and served upon the undersigned, at least seven (7) days before the scheduled hearing. Any objection must also be served on the Office of the United States Trustee and must comply with Bankruptcy Rule 3015.

PLEASE TAKE FURTHER NOTICE, that absent any opposition, the Judge may sign the annexed proposed Order without further notice.

Dated: Melville, New York
August 28, 2015

/s/ Craig D. Robins
Craig D. Robins, Esq.
LAW OFFICES OF CRAIG D. ROBINS
Attorneys for Debtors
35 Pinelawn Road, Suite 218-E
Melville, New York 11747
(516) 496-0800

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MOTION TO APPROVE SETTLEMENT OF SECOND MORTGAGE

CRAIG D. ROBINS, ESQ., an attorney duly admitted to practice law in the State of New York and before this Court, affirms the following to be true under the penalty of perjury:

1. I am the attorney of record for the Debtor, and as such, I am fully familiar with the facts and circumstances of this matter.
2. To summarize the relief this motion is seeking, the Debtor's second mortgagee is giving Debtor an opportunity to pay-off the mortgage at a greatly discounted rate which will save the debtor approximately \$60,000. This application seeks an order approving this settlement.
3. The Debtor filed a voluntary Chapter 13 bankruptcy petition on May 31, 2012 (the "Petition Date").
4. Upon information and belief, the Debtor owns the premises commonly referred to as 23 Warwick Road, Elmont, NY 11003 (the "Premises") and resides there as his primary residence.

5. As of the Petition Date, the Premises was valued at \$300,000.
6. Upon information and belief the Premises is encumbered by two mortgage liens with Wells Fargo (the "Mortgagee").
7. Based on the proof of claim filed by the Mortgagee on September 19, 2012, the principal balance on the first mortgage on the Petition Date was \$500,177.33.
8. Based on the proof of claim filed by the Mortgagee on October 12, 2012, the principal balance on the second mortgage on the Petition Date was \$79,795.92.
9. On July 29, 2015, the Debtor received a settlement offer from the Mortgagee to settle the second mortgage lien under the terms outlined below and more fully in the Settlement Letter drafted by the Mortgagee annexed hereto as **Exhibit "A."**
10. Wells Fargo will accept one lump sum payment of \$15,000 in consideration of a full release and satisfaction of the Debtor's second mortgage.
11. This settlement shall not be construed as a violation of the automatic stay.
12. Mortgagee has agreed that, in the event this Court grants the within application, Mortgagee shall amend its Proof of Claim upon receipt of the lump sum payment from the Debtor, as the arrears are included in the payment agreement the debtor previously entered into with the Mortgagee.
13. The Debtor is current with his Chapter 13 plan and this plan provides for the full repayment of his unsecured creditors so they will not be prejudiced by this settlement.
14. The Debtor's family members will be assisting Debtor in making the settlement payment which will save Debtor approximately \$60,000.

15. Your Affirmant's legal fee for bringing this application is \$750. Affirmant seeks approval for Debtor to pay this fee outside the plan at the time Debtor satisfies the mortgage.

WHEREFORE, the Debtor respectfully requests that this Court grant an Order approving the settlement of the Debtor's second mortgage, payment of the legal fee for bringing this application, and for such other and further relief as the Court may deem just and proper.

Dated: Melville, New York
August 28, 2015

/s/ Craig D. Robins
Craig D. Robins, Esq.
LAW OFFICES OF CRAIG D. ROBINS
Attorneys for Debtors
35 Pinelawn Road, Suite 218-E
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ORDER APPROVING SETTLEMENT OF SECOND MORTGAGE

UPON the Motion of LLOYD LODZA, A/K/A LLOYD T. DHOKWANI, the Debtor herein, by and through his attorneys, the LAW OFFICES OF CRAIG D. ROBINS, for an Order approving an offer to settle the second mortgage lien on the Debtor's premises located at 23 Warwick Road, Elmont, NY 11003, which was attached as **Exhibit "A"** to the Debtor's Motion; and

WHEREAS proper notice having been served upon the parties in interest, and no opposition having been heard, and after giving due deliberation, and sufficient cause appearing therefore, it is

ORDERED that the parties may enter into the settlement agreement, and upon it being fully executed, it shall be binding on the Debtor and Mortgagee, and it is

ORDERED that Debtor is permitted to pay legal fees to Debtor's counsel for bringing this application in the sum of \$750 at the time Debtor settles the second mortgage.

EXHIBIT A



Wells Fargo Bank, N.A.
1 Home Campus
MAC X2303-033
Des Moines, IA 50328-0001

August 27, 2015

LLOYD DHOKWANI
23 WARWICK RD
ELMONT, NY 11003-1425

RE: Account Number [REDACTED] 1998 ;
Property: 23 WARWICK RD ELMONT, NY 11003

Dear Borrower(s):

Thank you for contacting Wells Fargo about the status of the above-referenced Account and Wells Fargo's lien on the real property that serves as collateral for the Account. As you know, as a result of receiving a discharge in connection with your recent bankruptcy filing, you are no longer responsible for repaying the balance on the Account to Wells Fargo. However, even though you are no longer liable for repaying the balance on the Account, you understand that Wells Fargo continues to have a valid lien on your real property and that Wells Fargo may, under certain circumstances, enforce its lien against the property.

You recently contacted Wells Fargo to determine whether Wells Fargo would consider releasing its lien on your real property in return for a voluntary, one-time, lump sum payment. This letter will confirm that if you decide to make a voluntary, one-time, lump sum payment of \$15,000.00 (the "Voluntary Payment") to Wells Fargo, then Wells Fargo will agree to release its lien on your real property.

This offer expires on November 15, 2015

Please Note: In the event you have not yet received your bankruptcy discharge, or you have received your discharge but the automatic stay is still in effect, you may be required to obtain a bankruptcy court order approving the Voluntary Payment pursuant to this agreement. If court approval is required, you will be required to obtain the court approval before making the Voluntary Payment.

If you decide to send the Voluntary Payment to Wells Fargo, then please make sure the Voluntary Payment is in the form of a cashier's check, certified check or money order. Checks and money orders should be made payable to Wells Fargo Bank, N.A. and can be mailed to:

Wells Fargo Home Equity
1 Home Campus
MAC X2303-033
Des Moines, IA 50328-0001

You may also send the funds via wire transfer to:

Wells Fargo Bank, N.A.
420 Montgomery Street
San Francisco, CA 94104
Account Number: 4121704191
Routing Number: 121000248

Please follow the attached Incoming Wire Instructions.

Once Wells Fargo receives the Voluntary Payment, then Wells Fargo will satisfy the mortgage or re-convey the deed of trust on the real property that serves as collateral for your Account.

Thank you for your cooperation. If you have any questions, or if you have difficulty reaching your single point of contact, please contact Wells Fargo Home Equity at 1-866-970-7821, Monday-Friday, 8am-6pm CST.

Sincerely,

Richard Coggeshall
Home Equity Group
1-866-970-7821, Ext: 49053

Settlement Filer Letter